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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. *2008-137*

14 **KIMBERLY CELESTE LOUIS**

110 Kingswood Drive

15 Lafayette, Louisiana 70501

A C C U S A T I O N

16 Registered Nurse License No. 619428

17 Respondent.

18
19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **Registered Nurse License**

25 2. On or about June 10, 2003, the Board issued Registered Nurse License
26 Number 619428 to Kimberly Celeste Louis ("Respondent"). The registered nurse license was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 April 30, 2008, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

6. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **FACTUAL BACKGROUND**

4 9. On or about June 25, 2004, patient K.G., a 67 year old male patient with
5 diabetes and hypertension, was seen at GAMBRO Healthcare, Anaheim, California, for dialysis.
6 Patient K.G. received dialysis three times per week for three hours and thirty minutes each time.
7 On the same day, within a short time after starting dialysis, K.G. complained of severe back pain
8 and chills. Following completion of dialysis, K.G. was transported to the emergency room at
9 Anaheim Memorial Hospital, Anaheim, California, which is physically connected to the
10 healthcare center by an enclosed hallway. K.G. was left unattended in the emergency room
11 waiting room.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 10. Respondent is subject to discipline under Code section 2761, subdivision
15 (a)(1), on the grounds of unprofessional conduct, in that on or about June 25, 2004, while on duty
16 as an emergency room nurse at Anaheim Memorial Hospital, Anaheim, California, Respondent
17 committed acts constituting gross negligence, as defined in California Code of Regulations,
18 section 1442. Respondent failed to immediately intervene and assess K.G., who had fallen from
19 his wheel chair in the emergency waiting room.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Incompetence)**

22 11. Respondent is subject to discipline under Code section 2761, subdivision
23 (a)(1), on the grounds of unprofessional conduct, in that on or about June 25, 2004, while on duty
24 as an emergency room nurse at Anaheim Memorial Hospital, Anaheim, California, Respondent
25 committed acts constituting incompetence, as defined in California Code of Regulations, section
26 1443, as more particularly set forth in paragraph 10, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 12. Respondent is subject to discipline under Code section 2761, subdivision
4 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraphs 10 and
5 11, above.

6 **PRAYER**

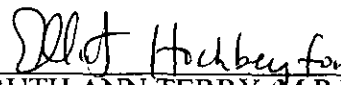
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 619428, issued
10 to Kimberly Celeste Louis;

11 2. Ordering Kimberly Celeste Louis to pay the Board of Registered Nursing
12 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section
13 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

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16
17 DATED: 10/23/07

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19 
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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